

REMARKS

This Preliminary Amendment is being filed concurrently with a Request for Continued Examination (RCE), and in response to the final Official Action of May 19, 2006. As background, the first Official Action rejected Claims 1, 4, 9, 12, 17 and 20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2004/0220995 to Tsutsumi; and rejected the remaining claims, namely Claims 2, 3, 5-8, 10, 11, 13-16, 18, 19 and 21-23 under 35 U.S.C. § 103(a) as being unpatentable over Tsutsumi in view of U.S. Patent Application Publication No. 2005/0125561 to Miyaji, alone or further in view of U.S. Patent Application Publication No. 2005/0134449 to Barile et al. Now, the final Official Action has substituted U.S. Patent Application Publication No. 2002/0116268 to Fukuda for Tsutsumi, and removed Barile in continuing to reject the claims. In other words, the final Official Action now rejects Claims 1-4, 9-12 and 17-20 under 35 U.S.C. § 102(b) as being anticipated by Fukuda; and rejects the remaining claims, namely Claims 5-8, 13-16 and 21-23, under 35 U.S.C. § 103(a) as being unpatentable over Fukuda in view of Miyaji.

As explained below, Applicant respectfully submits that the claimed invention is patentably distinct from Fukuda and Miyaji, taken individually or in combination. Accordingly, Applicant respectfully traverses the rejections of the claims as being anticipated by Fukuda, or as being unpatentable over Fukuda in view of Miyaji. Nonetheless, Applicant has amended various ones of the claims to further clarify the claimed invention, and added new Claims 24-29 to recite further patentable features of the claimed invention. In view of the amendments to the claims, the new claims and the remarks presented herein, Applicant respectfully requests reconsideration and allowance of all of the pending claims of the present application.

The newly cited Fukuda discloses an information propagation system, device and terminal, and an associated information provision method, for allowing a user to acquire information on an object such as a general-purpose product or relating to an advertisement over a network without having to write the network address. As disclosed, an RF-ID tag storing a uniform resource locator (URL) of a server providing information is attached to a paper-based advertisement. A user carries a personal digital assistant (PDA) including an installed RF-ID reader. Accordingly, the user desiring to obtain this information over the Internet utilizes the

PDA to receive the URL from the RF-ID tag installed in that advertisement and access the Internet.

Aspects of the present invention provide a terminal, method and computer program product for interacting with a service provider for accessing a remote service. As embodied in amended independent Claim 1, for example, the terminal includes a controller configured for actively operating an application, and receiving information from a RF transponder tag or a device adapted to operate as a RF transponder tag at least partially over an air interface. As recited, the information includes a service type representing a service offered by the service provider. Thus, the controller is also configured for contacting the service provider for accessing the service, and thereafter performing a predefined action based upon (a) the service type, (b) the application actively operating on the terminal, and (c) a current state of the application when the controller receives the information. Thus, the controller is configured for performing different predefined actions for different states of the application. For example, the controller may be adapted to receive data from the service into an actively operating application when the terminal is actively operating an application in a state of receiving data (see Claim 2); and/or send data to the service when the terminal is actively operating an application in a state of presenting data, the data sent to the service comprising the data presented by the application (see Claim 3).

In contrast to the claimed invention, neither Fukuda nor Miyaji, taken individually or in combination, teach or suggest performing a predefined action based upon (a) information relating to the service type (received from a RF tag or a device adapted to operate as such), (b) an application actively operating on the terminal, and (c) a current state of the application when the controller receives the information, the predefined action differing for different states of the application. In this regard, Fukuda discloses a browser/home page viewing software for displaying detailed advertising information downloaded from a server, the address (URL) of the server being supplied by an RFID tag. Fukuda does not teach or suggest, however, that the browser/home page viewing software has different states, and that the state of the browser/home page viewing software when the RFID tag supplies its information determines the predefined action to be performed. That is, Fukuda does not teach or suggest performing a predefined action based upon the current state of the browser/home page viewing software when the signal

processor (or information terminal) receives information from the RFID tag, or that the predefined action differs for different states of the browser/home page viewing software, similar to the claimed invention. In fact, Fukuda does not teach or suggest that any action performed by the signal processor (or information terminal) differs from one instance to the next, much less based upon different states of an application being actively operated by the signal processor (or information terminal).

As neither Fukuda nor Miyaji teaches or suggests the aforementioned feature of the claimed invention, the combination of Fukuda and Miyaji likewise does not teach or suggest this feature of the claimed invention. Thus, Applicant respectfully submits that amended independent Claim 1 is patentably distinct from Fukuda and Miyaji, taken individually or in combination. Applicant therefore respectfully submits that amended independent Claim 1, and by dependency Claims 2-8, is patentably distinct from Fukuda and Miyaji, taken individually or in combination.

Applicant also respectfully submits that amended independent Claims 9 and 17 recite subject matter similar to that of amended independent Claim 1, including performing a predefined action based upon (a) information relating to the service type (received from a RF tag or a device adapted to operate as such), (b) an application actively operating on the terminal, and (c) a current state of the application when the information is received, the predefined action differing for different states of the application. Thus, Applicant respectfully submits that amended independent Claims 9 and 17, and by dependency Claims 10-16 and 18-23, are patentably distinct from Fukuda and Miyaji, taken individually or in combination, for at least the same reasons given above with respect to amended independent Claim 1.

In view of the foregoing, Applicant respectfully submits that the rejection of Claims 1-4, 9-12 and 17 as being anticipated by Fukuda, and the rejection of Claims 5-8, 13-16 and 21-23 as being unpatentable over Fukuda in view of Miyaji, are overcome.

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CONCLUSION

In view of the amendments to the claims, the new claims and the remarks presented above, it is respectfully submitted that all of the claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested in due course. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Andrew T. Spence
Registration No. 45,699

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

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